

From: Lee J. McLean
To: Microsoft ATR
Date: 11/20/01 7:46pm
Subject: Where do I begin?

Dear sir,

I would very much like to add my opinion regarding the settlement the DoJ reached with MS, but frankly there is so much to say that I don't even know where to begin. Take the recent debacle regarding non-Microsoft browsers being blocked from msn.com, for example. Is there anything in the agreement to prevent such anti-competitive practices as this? Not that I can see.

Sure, they backed down in this case, but do you think they still will when Passport effectively gives them control over all XP users' access to the internet? History has shown us that when they hold the cards, man do they play them. And they tried to do this at a time when they had already been found guilty of being an illegal monopoly on appeal! Does this look like a company that is in any way afraid of the terms of the settlement they have reached? More importantly, does this sound like a company who would even agree to anything that would have a significant impact on their monopoly position? Once again, history tells us no. The mere fact that such a flagrantly arrogant company has even agreed to this settlement in itself demonstrates that settlement's inadequacy.

Then there is the simple fact that Microsoft has not been punished in any way for their (legally upheld) past misdeeds. What they have done effectively amounts to theft on an unprecedented scale, yet you let them go without punishment? I understand your desire to expedite this case, but if this was more important than getting a fair result then it would have been better to have reached settlement years ago. But then and again, this entire case was precipitated out of the failure of your previous settlement with MS, wasn't it? Clearly there is something else that is far, far worse than a lengthy court case: an unfair result. And clearly - from the point of view of both the consumer and the computer industry as a whole - that's what this settlement is.

Regards,
Lee McLean